

Calendar No. 1413

88TH CONGRESS
2d Session

SENATE

REPORT
No. 1476

INCLUSION OF TEMPORARY DISTRICT OF COLUMBIA
TEACHERS IN HEALTH AND LIFE INSURANCE PRO-
GRAMS

AUGUST 18, 1964.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Post Office and Civil Service,
submitted the following

R E P O R T

[To accompany H.R. 5932]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 5932) to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such Act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

H.R. 5932 has been amended by the committee to remedy an inadvertent omission from the Government Employees Salary Reform Act of 1964 as follows:

1. To authorize that the pay increases provided for be made retroactively effective in the case of employees whose pay is established through administrative action. The effective date is the first pay period on or after July 1, 1964.

✓ 2. To clarify congressional intent regarding provisions authorizing the President to place certain positions in levels IV and V of the executive salary schedule.

3. To permit the salaries of certain officers of the Panama Canal Company to be established at amounts in excess of the maximum rate of grade 18 of the General Schedule.

The title is amended to reflect more accurately the purposes of the bill as reported.

The Civil Service Commission and the Bureau of the Budget offer no objection to these amendments.

PURPOSE

This legislation would permit temporary teachers employed by the District of Columbia Board of Education to elect coverage under the Federal employees health benefits program and the Federal employees' group life insurance program if their total service aggregates two or more school years. Despite the so-called temporary nature of their employment, many of these teachers are in fact reemployed from year to year, some having been employed for as long as 20 years. Since temporary teachers are currently excluded from both the health and life insurance programs, the Board of Commissioners of the government of the District of Columbia, seeing their exclusion as an inequity, has officially requested this legislation.

STATEMENT

Under section 3(a) of the Federal Employees Health Benefits Act of 1959, section 2(a) of the Federal Employees' Group Life Insurance Act of 1954, and Civil Service Commission regulations issued pursuant to these measures, employees serving under appointments limited to 1 year or less are excluded from these two programs. The committee believes it was the clear intent of Congress to exclude employees whose periods of employment were demonstrably temporary. Although the term "temporary" is applied to some 1,921 teachers of the District of Columbia public school system, many of them are reemployed year after year and can be considered to fall within the category of those Federal employees whom the Congress intended should be covered by the Federal Employees Health Benefits Act of 1959 and the Federal Employees' Group Life Insurance Act of 1954.

The approximately 5,000 full-time school teachers of the District system are divided into three classes: probationary, permanent, and temporary, the first two classes being covered by the Health Benefits and Life Insurance Acts. The probationary appointment, for a 2-year period, is designed to lead to a permanent appointment if the teacher is successful during the 2-year period.

If a teacher is to receive a probationary or permanent appointment, he must meet all the requirements for a teaching license. He must be a citizen of the United States, be of good moral character, and possess a bachelor's degree from a recognized college or university. If he is to teach in senior high school, he must have a master's degree; he must have a specified number of college credits in his major teaching field; he must have a specified number of college credits in professional educational courses; he must be not more than 50 years old at the beginning of his probationary service; he must have completed a course in practice teaching or 2 years of satisfactory teaching service in an accredited school system; and he must pass a comprehensive written and oral examination.

Temporary teachers are required to meet the test of being of good moral character; they must be citizens of the United States; and they must possess a bachelor's degree. They are, however, a group who have not met all the technical requirements for appointment in the probationary or permanent category. Nevertheless, the committee concludes from testimony presented at hearings in connection with

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this measure that temporary teachers are a valuable and integral part of the District public school system.

Some temporary teachers are excluded from appointment as probationary or permanent teachers solely by the age limit of 50. A teacher could leave the school system for a number of years, for example to marry and have a family, and then later wish to return as a teacher. If this teacher were age 50—even though he or she were a competent and experienced teacher—the age-limit regulation would prevent his or her reemployment except as a temporary teacher.

Of the approximately 1,920 temporary teachers now employed, 700 have served 2 or more years; 270 have served for more than 5 years; and some have taught for 15 and 20 years.

Temporary teachers who continue to teach from year to year are usually appointed July 1, beginning their actual teaching assignments the following September at the beginning of the school year and teaching until the close of school on or about June 30. Thus, the term "school year" means from September until the close of school in June. Teachers are paid their salaries in monthly increments of 10 per year. Thus, a teacher who has taught for an aggregate of 20 months is deemed to have served for 2 school years.

VIEWS OF THE COMPTROLLER GENERAL OF THE UNITED STATES

The Comptroller General's views with regard to H.R. 5932 and the companion bill, S. 1340, are expressed in the following letter:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, June 4, 1963.

B-135591.

Hon. OLIN D. JOHNSTON,
Chairman, Committee on Post Office and Civil Service,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of April 23, 1963, acknowledged April 25, requests an expression of our views and comments upon the bill, S. 1340, to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefit plan established pursuant to such act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers.

The teachers who would benefit by the enactment of S. 1340 are those who are not eligible for permanent appointments as teachers because they lack certain qualifications essential to such permanent appointment. Appointments of temporary teachers are made under section 31-1534 of the District of Columbia Code which provides that temporary appointments shall be made not to extend beyond June 30 of the fiscal year in which they are made. A number of teachers continue to serve for many years under a series of temporary appointments. Section 37.2(a)(4) of the Civil Service Commission regulations provides that employees serving under appointments which are limited to 1 year or less are not eligible for life insurance coverage and section 89.2(b)(1) of those regulations contains a similar provision with regard to coverage under the Federal Employees Health Benefits Act of 1959.

The District of Columbia has informally advised us that they employ approximately 3,350 permanent teachers and approximately 1,700 temporary teachers. About 1,000 of the temporary teachers would not be eligible for coverage under the proposed legislation because of the 2-year restriction while about 700 would be covered. Without legislation similar to S. 1340, temporary teachers could continue their employment indefinitely without becoming eligible for such benefits. It was estimated that the annual expense to the District of Columbia government on account of participation in the health and life insurance programs by the 700 temporary teachers that would become eligible under S. 1340 would be about \$38,000.

In view of the actual length of service of the teachers concerned the purpose of the bill seems equitable; however, there appear to be certain difficulties which might arise in the administration of the bill if enacted because of teachers qualifying under the 2-year requirement at different times of the year, especially under the automatic coverage provision of the Federal Employees' Group Life Insurance Act of 1954. Under the 2-year eligibility provisions there is no restriction on the period of time during which the 2-year qualifying period must have been served. Thus, a teacher would be able to qualify by reason of several short-term appointments extending over a number of years. This situation would not only cause difficulty in administration but might enable certain teachers who were intermittently employed to gain coverage under the acts.

Difficulty might also be experienced in the area of converting group life insurance to private policies which is permitted by the 1954 act when an employee is separated. We reported to the Congress on May 16, 1962, on the review of certain aspects of the Federal employees' group life insurance program of the Civil Service Commission, that conversions of insurance are costly to the insurance fund—\$65 for each \$1,000 worth of insurance converted. Since the temporary teachers involved are separated each year they would be entitled to convert their group insurance each year and in addition become covered under the group insurance upon reappointment.

Your committee might consider revising the wording of the 2-year requirement to provide that eligibility under both the insurance and the health benefit plan would become effective on the first day of the first pay period which begins on or after the first day of September following attainment by the employee of 2 years' service. Further, the period of qualifying employment might be restricted to relatively current service by requiring the 2 years to have been served during the 3 or possibly 4 years immediately preceding the date on which the employee would become eligible for coverage. Your committee might also consider restricting life insurance conversion privileges for the employees to be covered by the bill to avoid possible abuses as described above.

Aside from the legislation as proposed, it would seem that the purpose of S. 1340 could be accomplished by legislation authorizing the school board under certain conditions to make temporary teacher appointments for longer periods of time. For example, such legislation might provide authority for giving indefinite appointments to those teachers who will have completed 2 years' service in the 3 years immediately preceding the current school year. This would remove those temporary teachers who received indefinite appointments from

the purview of Civil Service Commission regulations that exclude from coverage under the plans employees serving under appointments limited to 1 year or less.

Sincerely yours,

JOSEPH CAMPBELL,

Comptroller General of the United States.

This letter points out that under this measure as written, temporary teachers would become eligible for coverage under the Federal Employees Health Benefits Act and the Federal Employees' Group Life Insurance Act after 2 school years of service without regard to whether the service were consecutive or performed in the immediate past. This question was inquired into during public hearings and fact was brought out that the Commissioners of the District of Columbia in requesting this legislation did not intend that the period of service should be limited to consecutive service or to service within a limited period of time. The committee concurs that there is no compelling reason for requiring that the service be considered other than in the aggregate.

The Comptroller General further points out that if the temporary teacher is separated at the end of each school year, he then has the right to convert his insurance to an individual policy and that when a conversion takes place the insurance fund is charged \$65 for each \$1,000 of insurance converted. Testimony was heard, however, indicating that it would not be in the interest of the teacher to convert if he intends to return to teaching at the beginning of the next school year, since the individual policy is much more expensive than the group term insurance available under the Federal program. Further, more, temporary teachers are usually immediately reappointed upon the expiration of the old appointment.

COST

The Commissioners of the District of Columbia now estimate the cost of this legislation to be approximately \$38,000 per annum, to be absorbed from regular appropriations.

SECTIONAL ANALYSIS

Section 1: Section 3(a) of the Federal Employees Health Benefits Act of 1959 provides that employees may enroll under conditions of eligibility which the Civil Service Commission may prescribe in regulations and that the regulations may exclude employees with short-term appointments or who are employed seasonally or intermittently.

Section 1 of H.R. 5932 adds a proviso that District of Columbia teachers with temporary appointments shall not be excluded if they have been employed for a period or periods totaling 2 school years.

Section 2: Section 2(a) of the Federal Employees' Group Life Insurance Act of 1954 provides that Civil Service Commission regulations governing coverage may exclude employees whose employment begins with a short-term appointment or is seasonal, intermittent, or part-time.

Section 2 of H.R. 5932 adds a proviso stipulating that District of Columbia teachers with temporary appointments shall not be excluded

if they have been employed for a period or periods totaling 2 school years.

✓ Section 3: Section 3(a) amends the Government Employees Salary Reform Act of 1964 by the addition of a new section which provides that the pay of certain officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of compensation are fixed by administrative action may be increased by administrative action on the first day of the first pay period which begins on or after July 1, 1964. This is the same effective date established by the Salary Reform Act of 1964 for employees whose compensation is established by statute. The committee sees no reason why employees compensated by administrative action should be denied their increases retroactively.

Without the enactment of this section, the increased compensation provided for by the 1964 act for employees whose pay is fixed by administrative action could not, under currently prevailing law, be retroactively effective.

Subsections (b), (c), and (d) of section 3 authorize the President to employ the authority expressed in both subsections (f) and (g) of section 303 of the Government Employees Salary Reform Act of 1964 to place U.S. attorneys, and certain employees of the National Security Agency in levels IV and V of the executive salary schedule. As enacted, the Salary Act of 1964 does not specifically authorize the President to utilize the provisions of section 303(g) of the 1964 Salary Act.

Subsection 3(e) amends the Federal Executive Salary Act of 1964 by including in section 308 of that act language applying to employees of the Panama Canal Company. Section 308 provides that the salaries of employees whose pay is fixed by administrative action may not exceed the highest rate of grade 18. Certain agencies—among them the Central Intelligence Agency, the Tennessee Valley Authority, and the Federal Deposit Insurance Corporation—are excluded by section 308 from this restriction. The new subsection 3(e) adds the Panama Canal Company to those excluded, since that company has historically employed officers whose compensation exceeds that of the maximum of grade 18, by reason of a 25-percent incentive differential for recruitment purposes. The committee sees no reason why this pay relationship should be altered.

Section 4: Section 4 establishes the effective dates: the 1st day of the 1st month which begins not later than the 60th day after the date of enactment for sections 1 and 2; and the 1st day of the 1st pay period which began on or after July 1, 1964, for section 3.

PUBLIC HEARINGS

A public hearing was held on H.R. 5932, S. 1340, and S. 1369, companion bills, on February 10, 1964, by the Subcommittee on Health Benefits and Life Insurance of the Post Office and Civil Service Committee. No testimony was heard in opposition to enactment.

AGENCY VIEWS

Following are letters from the Honorable Walter W. Tobriner, President of the Board of Commissioners of the District of Columbia; the Honorable John W. Macy, Jr., Chairman of the U.S. Civil Service

Commission; and the Honorable Phillip S. Hughes, Assistant Director for Legislative Reference of the Bureau of the Budget, with regard to this legislation.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, D.C., March 27, 1963.

Hon. LYNDON B. JOHNSON,
The President,
U.S. Senate, Washington, D.C.

MY DEAR MR. PRESIDENT: The Commissioners of the District of Columbia have the honor to transmit herewith a draft bill to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers.

The purpose of the bill is to include temporary teachers in the public schools within the purview of the health and life insurance programs now available to permanent teachers. As a matter of fair treatment to the many so-called temporary teachers with long periods of service, employed by the Board of Education, the Commissioners favor the enactment of this proposed legislation extending the coverage of the health and life insurance laws to temporary teachers whose service aggregates two or more school years.

The estimated annual cost to the District government of this proposed legislation is \$61,500.

The Commissioners have been advised by the Bureau of the Budget that, from the standpoint of the administration's program, there is no objection to the submission of this legislation to the Congress.

Very sincerely yours,

WALTER N. TOBRINER,
President, Board of Commissioners,
District of Columbia.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., July 9, 1963.

Hon. OLIN D. JOHNSTON,
Chairman, Committee on Post Office and Civil Service,
U.S. Senate.

DEAR MR. CHAIRMAN: This refers further to your request of April 23, 1963 for Commission report on S. 1340, a bill to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers.

Section 2 of the Insurance Act authorizes the Civil Service Commission to exclude from coverage thereunder those Federal and District of Columbia personnel whose conditions of employment place them outside the category of regular employees. The act notes for probable exclusion persons serving under "short-term appointments, seasonal or intermittent employment, part-time employment, and employment

of like nature." In the exercise of this authorization, the Commission has by regulation excluded, among others, employees serving under appointments limited to 1 year or less (except those who serve full time under such appointments and have moved thereto directly from regular positions wherein they were insured).

The Health Benefits Act containing similar directive language, the resulting regulations exclude from coverage under this program the less-than-1-year appointees (other than those moving directly from covered employment and who serve full time or on a regular part-time duty tour).

S. 1340 proposes to extend life insurance and health benefits coverage to temporary schoolteachers, employed by the District's Board of Education, after they have served in the cited capacity for periods totaling 2 school years—20 service months. This means that any such teacher already meeting the 2-year requirement would become insured or eligible to enroll for health benefits on the proposal's effective date, the first day of the month beginning at least 60 days after enactment.

Section 1534, title 31, District of Columbia Code authorizes the Board of Education to hire temporary teachers whenever such action is necessary and recommended in writing by the Superintendent of Schools. An appointment may be effected as early as July 1 or as late as September and carries a termination provision of "not to extend beyond June 30" of the next year. The appointment expires on the cited date unless sooner terminated for disciplinary reasons or by resignation; new appointment may be issued upon the June 30 expiration. A temporary teacher works full time and is paid on the same basis (with a maximum limitation) as regular teachers.

This office recognizes merit in this proposal. While Congress clearly intended the exclusion of purely temporary employees, employment conditions which apply uniquely to District of Columbia teachers place many of them outside this category. We are informed that a few of these so-called temporary teachers have continued in this type of employment for 13 or 14 years. The condition of the 2 years' service as a prerequisite for coverage constitutes a reasonable basis for distinguishing and excluding the teacher whose tenure is in fact purely temporary.

The Commission accordingly offers no objection to approval of S. 1340 by the Congress.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 1, 1963.

Hon. OLIN D. JOHNSTON,
Chairman, Committee on Post Office and Civil Service, U.S. Senate,
New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to the committee's request for the views of the Bureau of the Budget respecting S. 1340, a bill to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers.

Under existing legislation, temporary District of Columbia school-teachers, along with other short-term, part-time, or seasonal employees are not afforded coverage under the Federal Employees Health Benefits and Federal Employees' Group Life Insurance Acts. S. 1340, requested by the District of Columbia government, would distinguish from this group those temporary District of Columbia teachers who are serving under their third appointment by the Board of Education of the District of Columbia following previous District of Columbia school service totaling a minimum of 2 school years.

Accordingly, for the reasons stated, there would be no objection from the standpoint of the administration's program to enactment of S. 1340.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

SECTION 3(a) OF THE FEDERAL EMPLOYEES HEALTH BENEFITS ACT OF 1959

(5 U.S.C. 3002(a))

ELECTION OF COVERAGE

SEC. 3. (a) Any employee may, at such time, in such manner, and under such conditions of eligibility as the Commission may by regulation prescribe, enroll in an approved health benefits plan described in section 4 either as an individual or for self and family. Such regulations may provide for the exclusion of employees on the basis of the nature and type of their employment or conditions pertaining thereto, such as, but not limited to, short-term appointments, seasonal or intermittent employment, and employment of like nature, but no employee or group of employees shall be excluded solely on the basis of the hazardous nature of their employment: *Provided, That no teacher*

in the employ of the Board of Education of the District of Columbia, whose salary is established by section 1 of the District of Columbia Teachers' Salary Act of 1955 (69 Stat. 521), as amended (sec. 31-1501, D.C. Code, 1961 edition), shall be excluded on the basis of the fact that such teacher is serving under a temporary appointment if such teacher has been so employed by such Board for a period or periods totaling not less than two school years.

SECTION 2(a) OF THE FEDERAL EMPLOYEES' GROUP LIFE INSURANCE ACT OF 1954

(5 U.S.C. 2091(a))

SEC. 2. (a) Except as provided in (b) of this section, each appointive or elective officer or employee (hereinafter called employee) in or under the executive, judicial, or legislative branch of the United States Government, including a Government owned or controlled corporation (including Gallaudet College but not including any corporation under the supervision of the Farm Credit Administration of which corporation any member of the board of directors is elected or appointed by private interests), and of the municipal government of the District of Columbia shall, at such time and under such conditions of eligibility as the Civil Service Commission (hereinafter called the Commission) may by regulation prescribe, come within the purview of this Act. Such regulations may provide for the exclusion of employees on the basis of the nature and type of employment or conditions pertaining thereto such as, but not limited to, short term appointments, seasonal or intermittent employment, part-time employment, and employment of like nature, and shall be issued only after consultation with the head of the department, establishment, agency, or other employing authority concerned: *Provided, That no employee or group of employees shall be excluded solely on the basis of the hazardous nature of employment and in no event shall any teacher in the employ of the Board of Education of the District of Columbia, whose salary is established by section 1 of the District of Columbia Teachers' Salary Act of 1955 (69 Stat. 521), as amended (sec. 31-1501, D.C. Code, 1961 edition), be excluded on the basis of the fact that such teacher is serving under a temporary appointment if such teacher has been so employed by such Board for a period or periods totaling not less than two school years.*

TITLE IV OF THE GOVERNMENT EMPLOYEES SALARY REFORM ACT OF 1964

SEC. 502(a) * * *

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 503 (a) *Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of compensation of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of compensation are fixed by ad-*

administrative action pursuant to law and are not otherwise increased by this Act are hereby authorized to be increased, effective on or after the effective date prescribed by section 501(a), by amounts not to exceed the increases provided by this Act for corresponding rates of compensation in the appropriate schedule, scale, or level of pay.

(b) Nothing contained in this section shall be deemed to authorize any increase in the rates of compensation of officers and employees whose rates of compensation are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

(c) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of compensation may be fixed by administrative action.

SECTION 508 OF TITLE 28, UNITED STATES CODE

§ 508. Salaries

Subject to [subsection (f)] *subsections (f) and (g)* of section 303 of the Federal Executive Salary Act of 1964, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 503 of this title at rates of compensation not in excess of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended.

SECTION 306(a)(2) OF THE FEDERAL EXECUTIVE SALARY ACT OF 1964

(2) Subject to [section 303(f)] *section 303 (f) and (g)* of this Act, each incumbent United States attorney and assistant United States attorney shall be paid compensation at a rate equal to that of attorneys of comparable responsibility and professional qualifications, as determined by the Attorney General, whose compensation is prescribed in the General Schedule of the Classification Act of 1949, as amended.

THIRD SENTENCE OF SECTION 2 OF THE ACT OF MAY 29, 1959

Except as provided in [subsection (f)] *subsections (f) and (g)* of section 303 of the Federal Executive Salary Act of 1964, no officer or employee of the National Security Agency shall be paid basic compensation at a rate in excess of the highest rate of basic compensation contained in such General Schedule.

SECTION 308 OF THE FEDERAL EXECUTIVE SALARY ACT OF 1964

LIMITATION ON SALARIES FIXED BY ADMINISTRATIVE ACTION

SEC. 308. Except as provided by this Act and notwithstanding the provisions of any other law, the head of any executive department, independent establishment, or agency in the executive branch who is authorized to fix by administrative action the annual rate of basic compensation for any position, officer, or employee shall not fix such rate in excess of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended. Nothing contained in this section shall be construed to impair the authorities provided in

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the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a and following), in section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b), in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819), in section 11 of the Federal Reserve Act (12 U.S.C. 248), in *section 121 of title 2 of the Panama Canal Zone Code (76A Stat. 15)*, or in section 5240 of the Revised Statutes (12 U.S.C. 481, relating to the Comptroller of the Currency).

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